Legal representation Los Angeles Co.
1936-1937

ANNUAL REPORT

of

PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1936, to July 1, 1937

FREDERIC H. VERCOE

PUBLIC DEFENDER

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felony or other offense. It is also his duty to prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in a reversal or modification of the judgment of conviction.

In civil matters it is his duty, under the law, to handle cases and prosecute actions for the collection of wages and of other claims of persons who are not financially able to employ counsel, in which the sum involved does not exceed $100.00, and in which, in his judgment, the claims urged are valid and enforceable in the courts.

It is also his duty to defend persons who are not financially able to employ counsel in civil litigation in which, in his judgment, they are being persecuted or unjustly harassed.

ADVANTAGES OF PUBLIC DEFENDER FROM ECONOMIC STANDPOINT.

The Public Defender saves the County of Los Angeles at least four times the cost of operating the office during a year by the manner in which the defense of persons accused of crime is conducted. Unnecessary loss of time is eliminated without sacrificing the interests of the accused. Pleas of guilty are encouraged where the defendant is obviously guilty. Unnecessary and costly trials are avoided whenever

it is possible to do so. The time consumed in the trial of cases is shortened by eliminating dilatory and procrastinating tactics sometimes engaged in by attorneys representing defendants.

During the fiscal year 1936-37 the Public Defender handled 2,559 criminal cases in the Superior Court. The Public Defender represented the defendant in 58.5 per cent of all cases filed by the District Attorney. In these cases 1,048 defendants entered pleas of guilty when first arraigned in court and without the case being set for trial. In 996 of said cases pleas of not guilty and not guilty by reason of insanity were entered and the cases set for trial, but only 296 trials were actually held. 623 were disposed of without trial. 495 of said trials were disposed of by changing the pleas of defendants from not guilty to guilty. 128 of said cases were dismissed and stricken from the calendar because it would not have been advantageous to try them. In each of said cases the rights of the defendants, under the law, were fully protected and accorded to them.

But for the work of the Public Defender in disposing of said cases without trial, at least 600 more of said cases would have had to be tried in the courts. If said 600 cases had gone to trial it would have required five more Superior Courts assigned to the trial of criminal cases than are now handling said cases, functioning full time, to have tried the same.

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During the fiscal year 1936-37 the Public Defender handled 2,559 criminal cases in the Superior Court. The Public Defender represented the defendant in 88.6 per cent of all cases filed by the District Attorney. In these cases 1,048 defendants entered pleas of guilty when first arraigned in court and without the case being set for trial. In 990 of said cases pleas of not guilty and not guilty by reason of insanity were entered and the cases set for trial, but only 296 trials were actually held. 633 were disposed of by without trial. 495 of said trials were disposed of by changing the pleas of defendants from not guilty to guilty. 138 of said cases were dismissed and stricken from the calendar because it would not have been advantageous to try them. In each of said cases the rights of the defendants, under the law, were fully protected and accorded to them.

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In round figures, it costs the County of Los Angeles $50,000.00 a year to operate a Superior Court that handles criminal cases. With five more criminal courts operating it would have cost the county an additional $250,000.00 to dispose of its criminal cases.

Years ago, Judge Frank R. Willis, the Nestor of the criminal courts of Los Angeles County, where he presided for 13 years, in a letter with reference to the office of the Public Defender, said:

"It has been a great saving to the county in the matter of expense and has usually been productive of a more fair and impartial administration of justice than the method formerly employed of appointing attorneys unfamiliar with criminal law to represent the defendant's interests.

"I am well satisfied with the efficiency of the office and of the necessity for its continuance as a matter of economy and justice."

Judge Charles W. Fricke, who is presiding in Department 43, one of the criminal departments of the Superior Court, in writing about the Public Defender, had this to say:

"Your method of avoiding useless trials whenever possible by pleas of guilty and in trying cases to the court without juries, results in saving a tremendous amount of the time of the courts. Your department in all of its work very materially assists the courts in disposing of criminal cases.

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"As I have repeatedly and publicly declared, the expense of your office is more than saved the county by the manner in which your work is handled."

SUMMARY OF ADVANTAGES OF PUBLIC DEFENDER IN CRIMINAL CASES

1. If the defendant has no case, he is honestly advised to plead guilty, thus avoiding unnecessary trials.

2. If the defendant has a good case, he is given an adequate defense - not a perfunctory one - thereby truly safeguarding his interests.

3. Juries are often waived.

4. Cases are promptly tried when reached on the calendar - not continued time after time - thereby helping to solve the problem of congested criminal court calendars.

5. Cases are tried more expertly because of the skill of the defenders; and the time of the court, of the jury, of the witnesses, of the court attaches and others is not wasted by needlessly protracted trials.

6. By virtue of the foregoing, vast economies are effected in the administration of criminal justice.

7. The trial judges tend to rely upon the opinion and statements of the Public Defender in disposing of cases.

8. Chicanery and unethical practices are never resorted to, and the atmosphere of the trial of criminal cases is elevated and thereby respect for the law is enhanced.

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8. Chicanery and unethical practices are never resorted to, and the atmosphere of the trial of criminal cases is elevated and thereby respect for the law is enhanced.

9. There are less chances of miscarriage of justice against a poor and perhaps illiterate defendant who might otherwise be sent to prison because of not knowing what it is all about.

PUBLIC DEFENDER IN CIVIL CASES

The Public Defender's civil jurisdiction is hardly less important than his criminal jurisdiction.

Millions of dollars are spent in the State of California each year in giving indigent persons, the poor, needy, and helpless, medical aid and hospitalization. This aid is rendered by the State so that such persons may be restored to health and again be placed, if possible, in a self-supporting condition.

Likewise, it is the duty of the Public Defender to render legal aid to the poor, needy, and helpless in order to straighten out their legal difficulties, secure for them their rights under the law, or redress for their wrongs, so that they may continue to be self-supporting and not become charges of the Public Welfare Department.

APPLICATIONS FOR ASSISTANCE IN CIVIL CASES

During the fiscal year 1936-37, 21,942 persons applied to the Public Defender for legal assistance in civil cases. 14,495 were advised as to their legal rights and claims under the law; 2,209 had claims for wages due, property

detained, or other miscellaneous claims which were handled and adjusted; 1943 were refused legal assistance because they had the means to pay an attorney or because their cases were outside the jurisdiction of the office; and 3,235, whose cases were outside the jurisdiction of the Public Defender, were referred to the lawyers on the Public Defender's list of lawyers. Said list of lawyers is maintained with the assistance of the Los Angeles Bar Association and the lawyers on it are approved by said association. Said lawyers handle the cases referred to them by the Public Defender and render legal assistance.

TOTAL APPLICATIONS FOR ASSISTANCE

The total number of applications to the Public Defender for assistance in both civil and criminal cases in the fiscal year 1936-37 was 33,094.

The wages of more than 1200 working men and women that had been garnisheed, and were exempt under the law, which were released from said garnishment by the assistance of the Public Defender, amounted to $24,674.44. By said aid the Public Defender was able to keep the family of many a poor working man from actually going hungry and from becoming public charges requiring the assistance of the County Welfare Department. The persons aided in the civil department of the Public Defender's office were financially unable to employ a lawyer in private practice.

The Public Defender recovered $41,635.21 for the poor and indigent persons who applied to him for legal assistance in civil cases during the fiscal year 1936-37.

THE COST OF PUBLIC DEFENDER'S OFFICE

The cost of maintaining and operating the Public Defender's Office during the fiscal year 1936-37 was $58,348.37. The Public Defender saves the County of Los Angeles and the tax payers annually at least four times the cost of maintaining the office.

DETAILED REPORT OF CRIMINAL CASES

Cases in which appearances were made in court:

Total number of court appearances in Superior Court		8013
Total number of defendants represented - - - - - -		2417
Cases undisposed of July 1, 1936, and finally disposed of during last fiscal year - - - - -	142	
Felony cases, Superior Court - - - - - - - - - -	2031	
Violation of Probation Cases - - - - - - - - - -	196	
Contributing cases in Superior Court, Misdemeanors - - - - - - - - - - - - - - - - - -	175	
Insanity cases, Superior Court - - - - - - - - -	14	
Contempt cases, Superior Court - - - - - - - - -	1	2559

CONSULTATIONS

Consultations held in office - - - - - - - - - -	3321	
Consultations held in County Jail - - - - - - - -	4526	7847

TRIALS IN CRIMINAL CASES

Total number of trial set during year and disposed of		996
Trials eliminated by changing pleas of not guilty to guilty	495	
Cases disposed bf by being dismissed	97	
Cases disposed of by being stricken from calendar	31	
Cases actually tried	296	
Cases otherwise disposed of	77	996

RESULT OF TRIAL

Verdicts of guilty	182	
Verdicts of guilty less offense	14	
Verdicts of not guilty	96	
Jury disagreements	24	
Verdicts sane - criminal insanity trials	1	
Verdicts insane - criminal insanity trials	9	296

CIVIL INSANITY TRIALS

Verdicts sane	2	
Verdicts insane	10	12
Total number of trials completed		308

SUPERIOR COURT PRELIMINARY EXAMINATIONS

CONTRIBUTING CASES.

Total preliminary examinations		199
Defendants held to answer to Superior Court	152	
Defendants discharged and cases dismissed or stricken off calendar	47	199

Assault and battery - - -

DEFENDANTS COMMITTED TO STATE HOSPITALS

Defendants committed to State Hospitals as insane	16	
Defendants Committed to Spadra (Narcotics)	0	16

MISCELLANEOUS MATTERS

Motions for new trials granted	8	
Motions for new trials denied	15	23
Demurrers sustained	0	
Demurrers overruled	0	
Cases pending and undisposed of		172

REPORT OF CIVIL CASES

Total number of applications in the office for Assistance in civil cases		21,942
Applications in which advice was given on various subjects		14,495
Applications rejected because applicants were able to pay a few or because the office was without jurisdiction:		
Refused	1943	
Referred to attorney	3235	5,178
Cases accepted and handled		2,269

CASES ACCEPTED AND HANDLED

Labor claims	269	
Detention of or injury to personal property	136	
Illegal attachments and garnishments and other persecution cases	1314	
Miscellaneous accepted cases	550	2,269

Money collected and chattels recovered without suit (approx) - - - - - - - - - - - - - - - - - -		$16,253.65
Amount of wages released from illegal garnishment -		24,634.44
Amount of judgments recovered - - - -	$499.22	
Amount collected on judgments - - - - - - - - -		287.04
Amount collected on settlements before trial -		480.08
		$41,635.21

Suits filed and won - - - - - - - - - - - - - -	5	
Suits filed and lost - - - - - - - - - - - - -	0	
Suits filed and settled before trial - - - -	3	
Suits filed in which office withdrew as attorney - - - - - - - - - - - - - - - - -	0	
Suits filed and not disposed of - - - - - - -	6	14
Total appearances in court on cases filed and miscellaneous accepted cases - - - - - -		270

Respectfully submitted,

FREDERIC H. VERCOE

PUBLIC DEFENDER

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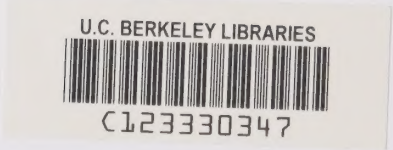

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